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COMMISSION ON HUMAN RIGHTS

Fifty-first session

SUMMARY RECORD OF THE 21st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 13 February 1995, at 3 p.m.

Chairman: Mr. BIN HITAM (Malaysia)

later: Mr. MEGHLAOUI (Algeria)
(Vice-Chairman)

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The meeting was called to order at 3.10 p.m.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (item 13 of the provisional agenda) (continued) (E/CN.4/1995/73)

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (item 20 of the provisional agenda) (continued) (E/CN.4/1995/84, 103, 126, 128 and 132-134; E/CN.4/1995/NGO/14 and 18; E/CN.4/Sub.2/1993/34 and Add.1-4; E/CN.4/Sub.2/1994/36 and Corr.1; A/49/415 and Add.1)

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (item 22 of the provisional agenda) (continued) (E/CN.4/1995/91, 92 and 123; E/CN.4/1995/NGO/11, 25 and 26)

1. Mr. JIN Yongjian (China) said that his Government had always supported and participated in United Nations human rights activities. In that spirit of cooperation, it had invited the Special Rapporteur on the question of religious intolerance to visit China in November 1994. The Special Rapporteur had held talks with the relevant government departments, including the Ministry of Foreign Affairs and the Bureau of Religious Affairs, at which he was informed of the Government's policies and the measures it had taken to protect the freedom of religious belief of its citizens. He had also had long interviews with various religious bodies and, on a trip that included Beijing, Lhasa, Chengdu and Shanghai, had spoken to local authorities, visited religious sites and made an on-the-spot inspection of the prevailing religious situation. He had displayed a serious and businesslike attitude throughout his visit.

2. The invitation to the Special Rapporteur had demonstrated the Government's sincerity in developing international cooperation in the field of human rights. Some Western countries, however, had regrettably ignored his Government's achievements in promoting and protecting freedom of religious belief. One Western country had recently issued its yearly report on human rights in many countries, which directed unfounded allegations against the policy of religious freedom in China. Other Western countries had also irresponsibly alleged that the Chinese Government severely restricted such freedom. They did not, however, produce the facts to support those allegations.

3. If the most popular religions - Buddhism and Taoism, were set aside, Muslim, Catholic and Protestant believers alone amounted to 28 million and there were temples, mosques and cathedrals throughout the country. Certain Western countries, in their desire to attack and slander China, seized on all the pretexts they could. Their purpose was not to promote and protect the human rights of the Chinese people but to achieve some ulterior political objective. Such practices ran counter to the purposes and principles of the Charter of the United Nations.

4. Religions and their groupings were many and diverse. Periodically a religion or sect had gained supremacy and subsequently attempted to suppress or eliminate other beliefs. Such attempts always ended in failure.

Similarly, there were differences between countries and regions on matters concerning human rights. His Government had all along proposed that those differences should be gradually narrowed through dialogue and international cooperation. Distrust and confrontation would adversely affect the promotion and protection of human rights.

5. It stood resolutely against any attempt at confrontation, political pressure, interference in the internal affairs of other countries or the use of country resolutions within the Commission to settle differences on human rights issues. It was against making use of human rights for political purposes, which could only damage the prospects for equal dialogue and international cooperation.

6. Mr. PROKHOROV (Russian Federation) said that his Government considered the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities to be among the priorities of its domestic and foreign policy. It therefore supported the idea that a working group of the Sub-Commission on Prevention of Discrimination and Protection of Minorities should be established on the implementation of the Declaration in all countries.

7. The political and civil rights of national minorities were guaranteed by the Russian Constitution and other legislation. A bill was currently being prepared on national and cultural autonomy in the Russian Federation, which would give national groups the right to choose their own forms of national and cultural development, along with equal opportunities to pursue their national and cultural interests, in whatever part of the country they lived. The bill was predicated on the principle of the primacy of individual rights. Other legislation gave Russian citizens the right to be educated in their native languages. All that was required was a request to that end to the local education authorities.

8. Following the disintegration of the Union of Soviet Socialist Republics and the creation of new independent States, over 25 million Russians had found themselves in the position of forming part of national minorities. Providing support for its compatriots in the Commonwealth of Independent States (CIS) and the Baltic States had therefore become an important aspect of Russian policy. Various resolutions had been adopted by the Government, in accordance with a decree issued by the President, notably one "Concerning measures to support compatriots abroad", which incorporated elements of previous legislation. The decree had established a government commission on the affairs of compatriots abroad.

9. His Government's policy was that Russians abroad should be voluntarily integrated into the political, social and economic life of the newly independent States, at the same time maintaining their own cultural identity. It also took upon itself the obligation to provide for compatriots settling in its territory as a result of life-threatening conflicts in any region of the former Soviet Union or as a result of inability to adapt to new conditions. All the assistance it gave its compatriots was based on bilateral agreements, through measures agreed with the authorities of the countries in which the compatriots were domiciled.

10. The position of Russians living abroad differed, however, from country to country. Those domiciled in various republics of the former Soviet Union felt considerable uncertainty about their future. The reasons for such uncertainty included the shock of being cut off from Russia and from Russian citizenship; the prevailing nationalism; the introduction of national languages into business life, the mass media and education; the ousting of Russian speakers from administrative posts in State and private enterprises, while open priority was given to native candidates; and the confused situation regarding social protection.

11. His Government was particularly concerned at the situation of the Russian-speaking population in Latvia and Estonia, where they were effectively being forced out under the pretext of the need to restore the demographic balance that had existed before the Second World War. Those countries had legislated hundreds of thousands of the Russian-speaking population into statelessness. Yet all such legislation had been passed after both countries had signed agreements with Russia on intergovernmental relations (the Russian-Latvian agreement was not yet ratified, while that between Russia and Estonia had been ratified by both parties), in which the parties undertook to allow permanent residents in either territory to choose their nationality. The Russian Federation had fully complied with its obligations in that regard: all Estonians and Latvians resident in Russian territory who wished to become Russian citizens had done so unconditionally.

12. His country's natural concern for its compatriots in the Baltic countries was often represented as a manifestation of neo-imperialist ambitions on the part of his Government. He noted, however, that a Working Paper prepared by a Special Rapporteur pursuant to resolution 1993/43 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1994/36) stated that "special attention should be given to situations where federations or other large entities have been dissolved into two or more independent States. ... It is of great importance that efforts are made, within the context of prevention of discrimination, to establish guidelines for the adoption of nationality laws in such cases. ... When deprived of the possibility of voting ... significant groups may [be driven] to undesirable forms of action".

13. The Human Rights Committee had made a similar point in its General Comment No. 23 (50). Neither the Sub-Commission nor the Human Rights Committee could possibly be accused of siding with neo-imperialist ambitions. Moreover, General Assembly resolution 48/155, "Situation of human rights in Estonia and Latvia", noted the "existence of unresolved issues that involve large groups of population of different ethnic origin". Those issues were still unresolved.

14. While the Latvian authorities had made some positive moves in that direction, the position of the Estonian authorities seemed actually to be hardening. On 19 January 1995, the Estonian National Assembly had adopted a nationality law which effectively deprived Russian speakers of the right to choose Estonian nationality; such a measure was a flagrant violation of its obligations under the relevant agreement between Russia and Estonia of 12 January 1991. The new legislation might further aggravate the already difficult inter-ethnic relations, harm Russian-Estonian relations and breed

new tensions in Europe as a whole. He hoped that the Commission, the High Commissioner for Human Rights and the States members of the Organization for Security and Cooperation in Europe (OSCE) would not let such legislation, affecting the rights of hundreds of thousands of people, pass without comment.

15. Mr. HASHMI (Pakistan) said that the issue of migrant workers and their human rights had assumed greater importance over the past decade, owing to the fact that their numbers had grown substantially, their impact on their home economies in the form of remittances was evident and their presence in their countries of employment had social and political consequences. For several countries, including Pakistan, which had approximately a million persons working abroad, the remittances were substantial.

16. He thus welcomed the recent adoption of the Programme of Action of the International Conference on Population and Development, which - apparently for the first time - contained a globally accepted policy framework to deal with international migration. Taken in conjunction with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, it represented a major step forward, although its implementation would depend largely on the political will of the host countries, which were under great pressure from some sections of society to close their frontiers.

17. The events of the past few years had soured the dream of a more humane era. International migration, which had been seen in many receiving countries as a beneficial phenomenon, had come to be regarded negatively. The root causes of migration lay in social and economic disparities. The issue could only be addressed if economic development strategies were incorporated into international policies relating to trade, foreign investment and development cooperation.

18. His delegation wished to emphasize that the Convention should be implemented in both the letter and the spirit, thus helping to end some of the injustices suffered by migrant workers. Secondly, the Commission should seek to protect migrant workers against xenophobia and the racial attacks to which they had been subject, especially in Europe. The problem should be tackled head on rather than obliquely.

19. Mr. ABOUTAHIR (Observer for Morocco) said he was very concerned at the fact that, although international migration had reached unprecedented levels in response to the growing need of industrialized countries for labour, migrant workers' fundamental rights were often flouted in every way. For example, ever greater limitations were being placed on their freedom of movement: visas were required more and more often and they were becoming much less easy to obtain. Arbitrary expulsions and confiscations of papers were becoming more and more common. The right of family reunion had been made more difficult - indeed, often impossible - by the measures recently introduced by some host countries.

20. Migrant workers' cultural rights were also often flouted. There were always obstacles in the way of providing their children with education in their mother tongue. The same applied to the practice of their religion. Not only were they forcibly cut off from their cultural identity, but they were

often portrayed as being responsible for such ills in the host countries as unemployment, which led to their being victims of hatred and xenophobia and sometimes of physical violence.

21. The issue was not just a migration one; it was an issue affecting the human rights of millions of people - one of the most vulnerable groups in the world - whose fundamental rights and freedoms were currently not guaranteed by any national or international instrument. His delegation hoped therefore that both the Commission and the non-governmental organizations would pay the matter particular attention. While paying due tribute to the progress achieved by the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families, with its full and balanced text, and the Vienna Declaration and Programme of Action, little could be done unless and until the States that had not yet done so acceded to the Convention so that it could enter into force, thus enabling migrant workers to regain their rights within the societies in which they were forced to live.

22. Mr. NGUYEN VAN SON (Observer for Viet Nam) said that his country was a mosaic made up of over 50 ethnic groups. Throughout its history, national unity and cohesion had been a prime force and an insuperable barrier against aggression, as was reflected in its language. The Vietnamese word for "compatriot" derived from an ancient legend, while the term "minority" was avoided, since it might imply some notion of inequality. The term "sister nationalities", or geographical descriptions such as "townspeople and mountain people", were preferred. The word "race" was not applied at all to relations between Vietnamese ethnic groups.

23. That spirit of national unity and cohesion was also reflected in the Constitution of 1992, which applied a policy of equality, solidarity and mutual support to all the ethnic nationalities and forbade any discrimination or divisive action. The ethnic nationalities had the right to express their own ethnic identity and culture in every way. Each ethnic nationality benefited from policies appropriate to its region and culture.

24. Much, however, remained to be done, given that Viet Nam was an underdeveloped country that had recently emerged from 30 years of war. The Doi Moi restoration process currently in progress offered promising possibilities for the medium and long term, but there were still difficulties in the short term. The development of a market economy had led to some inevitable polarization between the rich and the poor, which could harm the traditional community spirit. His Government had made it a major priority to limit the impact; in addition to some short-term measures, it had approved a medium-term economic and social development programme for the mountain regions up to the year 2000.

25. Preserving the unity among the national ethnic groups was essential to the survival of his country. During the 1970s, contrary to the expectations of those who had predicted a blood bath after the fall of the Saigon regime, national reconciliation had begun on a large scale. Collaborators with the former regime had not been the target of repression, they had been re-educated and then released. Many had emigrated to other countries; those who remained had become fully integrated into Vietnamese life.

26. Believers in the various religions made up about one third of the population of Viet Nam. They had made an important contribution to national independence and were continuing to participate in reconstruction efforts, in particular by elaborating and helping to implement a judicious religious policy. Freedom of religion was recognized by the Constitution and respected in practice. To serve its population of 20 million believers, his country had nearly 20,000 places of worship and a number of religious training institutes.

27. In the current stage of reconstruction, strengthening national unity was an important priority. It was only in such a framework that the diverse groups in his country would be able to work together to achieve stable economic and social development and to build a society based on order and respect for the law and its institutions. His Government was, therefore, more aware than ever of the need to ensure respect for the freedom of religion or belief.

28. Nevertheless, as in the past, certain dissident voices from abroad were making false allegations against his country, which increased in intensity with each successful step towards national unity. The goal of those individuals, who had voluntarily cut their ties with the mother country, was to ignore Viet Nam's achievements and bombard it with denunciations of religious discrimination, in particular against Buddhists.

29. The Buddhists of Viet Nam had made an important contribution to the struggle for independence and the reconstruction of the country, and the teachings of Buddism were considered to be part of the country's cultural heritage. Nevertheless, certain Buddhist monks had attempted to stir up social unrest, using the pretext of religion. Those activities had been in clear violation of the law. It was the duty of the State to ensure respect for the law and his Government would continue to make a clear distinction between religious freedom and respect for the law.

30. Mr. FERNANDEZ (International Organization for the Development of Freedom of Education) said that he welcomed the Special Rapporteur's report on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (E/CN.4/1995/91) and, in particular, the questionnaire that the Special Rapporteur had sent out to countries regarding the freedom of religion or belief in primary and secondary schools.

31. Education was the principal means of promoting respect for others. In that connection, his organization had recently published a report on freedom of education throughout the world which dealt, inter alia, with freedom of religion and of conscience.

32. His organization had, for a number of years, been working actively in the field of education, with particular emphasis on the issues of tolerance and mutual understanding. A series of texts on those subjects was to be published shortly. It agreed with the Special Rapporteur that generalizations and prejudgments must be avoided and that reality was too complex to be reduced to stereotypes and cliches. Tolerance was a skill which had to be gradually acquired over time.

33. The concept of tolerance gave rise to various philosophical questions. An assertion based on absolute truth led, directly and by definition, to intolerance. Yet, tolerance without firm convictions had no heart. According to some, tolerance was not a question of truth, but rather a question of how one acted with regard to the truth. Tolerance implied a belief in the freedom of the other. Freedom, as a value in itself, was the essence of all religions offering salvation: without freedom, there could be no merit.

34. Thus, all world views, beliefs and religions had to be based on respect for the other and respect for freedom as an intrinsic value if mankind was to achieve a fruitful coexistence. Without freedom there could be no conscience and no moral autonomy.

35. That reasoning led directly to the question of whether intolerance had to be tolerated. If freedom was to be considered as the primary quality of a human being, then the voices of intolerance had somehow to be dealt with. The question arose what the best way to act was: whether those who were intolerant should be cut off completely or whether attempts should be made to persuade them of the virtues of tolerance. The answer was obvious. Force must not be used to dissuade intolerant individuals from their views; the best approach was persuasion and friendship. In cases where it was absolutely necessary to use harsher methods - where society was seriously in jeopardy - the punishment should not be limited to exclusion but should have "curative" benefits.

36. A great deal of effort had already been devoted to coping with intolerance and discrimination. It was time to concentrate on prevention and, still more so, on education for international understanding.

37. Mr. MEGHLAOUI (Algeria), Vice-Chairman took the Chair.

38. Mr. WARIKOO (Indian Institute for Non-Aligned Studies) said that the Universal Declaration of Human Rights guaranteed the basic human rights of all persons irrespective of caste, creed, colour or religion.

39. As a Kashmiri, he wished to stress the plight of his own people. The international community was unaware of the reality of the State of Jammu and Kashmir, which was composed of three main geographical divisions - Jammu, Kashmir and Ladakh - bound together by a common history and destiny. Ladakh was sparsely populated and, mainly Buddhist; Jammu had a predominantly Hindu population; and Kashmir had a predominantly Muslim one, with a significant Pandit minority.

40. The population of Kashmir had been living under horrendous conditions since the 1989 armed insurrection, the work of Islamic fundamentalists supported and inspired by Pakistan. Religious crusades had already taken a heavy toll in a number of other countries in terms of human lives and disruption of social stability and harmony.

41. In Kashmir, fundamentalists and mercenaries had carried out ethnic-religious cleansing of the indigenous minority of Kashmiri Pandits. About 1,500 members of that community had been brutally murdered and more than 350,000 of them had been forcibly displaced, many of them later dying in

hostile environments. Their houses, businesses, educational and cultural institutions and places of worship had been destroyed. All traces of that ancient, indigenous people were being wiped out, in direct violation of its basic rights to life, property, and the freedom of religion and culture.

42. Human rights and terrorism were directly related; the first could not exist in the presence of the second.

43. Mr. PUNJAB (Indian Institute for Non-Aligned Studies) said that, despite the valiant efforts of the United Nations to eliminate intolerance and discrimination based on religion or belief, such acts persisted in some parts of the world. Southern Asia was a case in point.

44. Although claiming to be a secular constitutional democracy, India had been the site of various forms of intolerance leading, at times, to ethnic conflict and bloodshed. In Pakistan, certain population groups were subject to serious discrimination based on religion or belief. In the past few weeks alone, scores of persons belonging to the Shiah community in that country had been killed.

45. Intolerance and discrimination based on religion was rooted in Pakistan's policy and represented a threat to the security of the region. In 1985, the Constitution of Pakistan had been modified and, as a result, many discriminatory laws had been enacted which were in violation of the right to freedom of religion or belief. The target groups - Ahmadis, Christians and Hindus - had suffered immensely because of that legislation. According to Amnesty International, the blasphemy law had contributed to an atmosphere of hostility towards religious minorities in Pakistan. Most recently, the Pakistani authorities had demanded that an individual's religion be indicated on his identity card.

46. He urged the international community to exert pressure on Pakistan to repeal its discriminatory legislation.

47. Mr. KIRKYACHARIAN (Movement against Racism and for Friendship among Peoples) said that, four years after the adoption of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, there were still a number of obstacles to its implementation. One possible reason was the reluctance of certain countries to grant social status and social benefits to their large populations of clandestine immigrants. Even in France, a country of written law and administrative transparency, marginal populations had to fight for the rights to which they were entitled, in particular the right to health and the right to education. In many countries, the number of clandestine immigrants was so large that they outranked the legal ones. Such individuals were desperately in need of the protection provided by the International Convention.

48. He wondered whether there were objective obstacles to the signing and ratification of the Convention by the countries of the European Union, which had approximately 10 million legal immigrants in all and, in some countries significant clandestine populations. According to article 2 of the social

protection protocol, annexed to the Maastricht Treaty, a State member of the European Union was not prevented from retaining or establishing stricter measures of social protection as long as they were compatible with the Treaty.

49. That article was open to two possible interpretations. The first, which the States members of the European Union were not obliged to accept, would take the term "stricter" to mean that States should restrict their measures of social protection. The second would interpret that same word to mean that States were free to take more decisive action and provide even fuller social protection than that offered by the Treaty. Clearly, that interpretation would permit the member States to take the initiative and ratify the International Convention.

50. It was possible that European Union countries had failed to ratify the Convention because of widespread xenophobia. It was, however, the moral and political responsibility of States to combat such attitudes.

51. Another, more serious, objection to according full rights to migrant workers and their families was that granting them the right to vote in local and regional elections might destabilize public life. In fact, just the opposite would occur. Migrant workers tended to vote in patterns similar to those of their adopted country; there was no strong evidence that they leaned towards the political left. Keeping migrant workers in a marginal position resulted only in more external pressures on the community.

52. Respect for the principles of law and the overriding interests of all nations were two fundamental reasons for States to sign and ratify the International Convention. Failure to do so would perpetuate a serious injustice and imperil the entire social community.

53. Mr. DOBBERT (World Federation of United Nations Associations) said that at its recent European Regional Conference, his organization had recognized that the problem of discrimination against persons belonging to minority groups had to be approached from a global perspective. Speaking at the Conference, the Secretary-General of the United Nations had pointed out that internal conflicts brought to light the underlying opposition between two principles governing international relations: the territorial integrity of States and the self-determination of peoples. The situation was further complicated by the creation of new groups as a result of population transfers and migratory movements; that had given rise to discriminatory measures, racism, xenophobia and, in some cases, violence and armed conflict.

54. Minority rights partly overlapped with other civil, political, economic, social and cultural rights and, consequently, the final statement of the Conference had not been strictly limited to the issue of minority rights.

55. The Conference had paid tribute to the United Nations, specialized agencies and other organizations for having elaborated a number of international instruments to protect human rights in general and the rights of minorities in particular and for having created mechanisms to monitor the implementation of those instruments. Nevertheless, some of those instruments had not been as effective as originally expected. In some cases the instruments themselves were inherently flawed; in others, States had failed to

ratify them or ensure their implementation. The Conference had emphasized that widespread acceptance and implementation of those instruments would be likely to improve the situation of minorities and to reinforce international stability.

56. In the view of his organization, consideration should also be given to amending the Convention on the Prevention and Punishment of the Crime of Genocide by including political groups as a category and by generally making it a more effective instrument for preventing genocide. Consideration should also be given to elaborating a convention on religious discrimination and to introducing reporting mechanisms for instruments which did not already include them.

57. While it welcomed the adoption by the General Assembly of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and the Sub-Commission's initiative for the establishment of a working group to develop long-term policies for the protection and promotion of minority rights, the Conference had also called for the establishment of monitoring mechanisms and the preparation of a convention on the rights of minorities. It had also recommended that United Nations Associations should avail themselves of the opportunities offered by the United Nations Decade for Human Rights Education to promote human rights education and to encourage the study of United Nations human rights instruments and other relevant instruments. National Governments should be encouraged to include human rights education in school curricula and to ensure the adequate training of the teachers providing such education. In addition, the Conference had called for an inter-faith dialogue at all levels as an antidote to religious fundamentalism and had urged Governments to take positive steps to counter xenophobic propaganda and discrimination based on notions of racial superiority.

58. Peaceful coexistence in a pluralistic society could be established only in a climate of tolerance. A further essential element was the development of democratic institutions which ensured adequate representation of minorities. Forms of autonomy and the feasibility of federal structures should also be explored with a view to decentralizing power and promoting good intercommunal relations.

59. Lastly, the Conference had stressed the need to strengthen the rule of law through the development of administrative structures and regulations, including a politically independent court system that provided judicial guarantees for the protection of human rights. While the main efforts to achieve those goals had to be made at the national level, the Conference had recognized the important role to be played by the United Nations and called on Governments to provide adequate financial and human resources to the Centre for Human Rights so as to enable it to respond to the increased demand for advisory and other technical services.

60. Ms. LOCHBIHLER (Women's International League for Peace and Freedom) said that economic hardship was the main reason that drove unprecedented masses of people to seek a better life elsewhere. Other causes of migration were war, civil strife, ethnic conflict and environmental degradation.

61. Migration was not, therefore, an isolated issue concerning the denial of the rights of a so-called minority. Migrant workers were a structural part not only of the workforce but also of the community itself. Most recipient Governments failed to recognize their responsibilities towards migrant workers as human beings with social needs and rights. Instead, in times of economic or social crisis, they sought to deal with the "problem" through discriminatory anti-migrant legislation.

62. The racism, discrimination and harassment which even immigrants who had obtained citizenship faced within the community fed on the fact that migrant workers often came from former colonies and economically poor countries. Racist propaganda suggested that they were undeveloped people capable only of unskilled labour and therefore undeserving of equal working and living conditions. Deprived of the status of local workers and citizens, they constituted a uniquely vulnerable group, while their economic and cultural contributions to their host societies went unrecognized.

63. Migrant women faced a triple discrimination as foreigners, economically underprivileged and subject to gender-specific oppression. Undocumented migrant women were especially vulnerable to violations of their basic human rights, including rape and other forms of sexual exploitation. The situation was exacerbated by the disintegration of traditional support structures and by the lack of culturally and linguistically appropriate services.

64. Some progress had been made in putting migration on the agenda of the international community. The Organization for Security and Cooperation in Europe (OSCE) had emphasized the importance of international instruments which highlighted the social consequences of migration and provided States with clear guidelines for the elaboration of national policies. Migration was also an integral part of the preparations for the forthcoming World Summit for Social Development and the Fourth World Conference on Women.

65. In addition, at a well-attended workshop on migrant, refugee and displaced women, the NGO Working Group on Refugee Women and the Women's International League for Peace and Freedom had highlighted the current problems of migrants and had made suggestions for improving their situation in the field of employment and human rights. The workshop had, inter alia, urged recognition of the right of migrant women, whether documented or undocumented, to work in a safe environment, free of slavery, exploitation and sexual harassment; recognition of women as independent persons with full legal rights; the right to family reunification and citizenship for all categories of uprooted women; improvements in the working and living conditions of migrant workers in the sex industry; and efforts to bring migrant women into the planning and decision-making process.

66. The issue of the rights of migrant workers deserved a permanent place in the Commission's work and the Centre for Human Rights must therefore be provided with adequate funding to enable it to address that difficult situation. She called upon Governments to ratify and implement the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Ultimately, however, the solution to the problem of migrant workers lay in the establishment of economic and social

conditions that provided for basic subsistence and fundamental human rights. Migration should be an option and not a necessity for finding a sustainable livelihood.

67. Mr. MENDEZ (Commission for the Defence of Human Rights in Central America) said that the protection of civil and political rights in Central America was still far from satisfactory. Indeed, in certain cases such rights were openly and systematically violated. Moreover, the failure to implement economic, social and cultural rights had been exacerbated by the implementation of neo-liberal policies with profoundly adverse consequences for the standard of living of the general population.

68. The result had been the marginalization of large sectors of the population which, together with the persistence of armed conflict, had led to the exodus of thousands of people. Large numbers of Salvadorian citizens currently resided both legally and illegally in the United States of America, while hundreds of thousands of Nicaraguans had migrated to Costa Rica, swelling the ranks of seasonal agricultural workers, private guards and the prison population of that country. Migrant women worked in the agricultural sector, in assembly-line factories and as prostitutes. Children lived in conditions of absolute squalor, lacking proper nutrition and denied access to health services and education.

69. The problems facing migrant workers included a lack of legal protection; economic exploitation, particularly by transnational companies producing goods for export; denial of health and education services; violent repression and expulsion to their countries of origin; discrimination and widespread marginalization because of their portrayal as responsible for the economic and social ills of the host countries, as competitors for social and economic benefits, or as threats to the culture and values of the host society; and lack of protection under international human rights instruments because of the unwillingness of States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

70. His organization urged the Commission therefore to promote the ratification of the International Convention and the participation of the international community in efforts to address the problem; to condemn the discrimination and repression practised against immigrant workers; and to promote economic and social development in Central America.

71. Mr. SOLIZ (Commission for the Defence of Human Rights in Central America) said that the proclamation of 1995 as the United Nations Year for Tolerance contrasted starkly with the intolerance and discrimination prevalent in Central America against the indigenous peoples, who were excluded from power structures and whose culture was being destroyed. The racist discrimination to which they were subjected by the economically and politically powerful groups were reflected in the degrading conditions in which they lived. That situation, which had existed since the Spanish conquest, was a cause for concern, since it could lead to a widening of the conflict in Chiapas and encourage indigenous peoples elsewhere to take up arms.

72. No country in the region was free from ethnic discrimination, even Guatemala, where indigenous peoples, constituted a majority of the population. The chamber of agriculture of Guatemala had rejected the suggestion that Guatemala should adopt and ratify ILO Convention No. 169 on the grounds that it was not suited to the reality of the country. Costa Rica had in fact ratified that ILO Convention but had failed to implement it, and had issued permits for destructive mining operations on indigenous reservations.

73. In Panama, indigenous people continued to be victims of forcible removals, repression, harassment and violation of their rights to the land. For many years, the Ngobe-Buglé, in particular, had been the victims of numerous forcible removals in the province of Bocas del Toro at the request of large landowners, often with the support or acquiescence of government authorities.

74. In those circumstances, it was essential that the Central American States should endorse the aims of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and ratify without delay ILO Convention No. 169. For its part, the international community must take steps to ensure that the rights enshrined in those instruments were given practical effect.

75. Mr. AHMAD (World Muslim Congress) said that, in order to carry out its mandate, the proposed inter-sessional working group of the Sub-Commission would have to devise methods of ensuring the prompt communication of information on violations of the human rights of minorities. He hoped that the working group would also be able to enlarge its field of activity and not limit its recommendations to situations involving risks of eruption or escalation of violence.

76. Political, economic and social factors often created situations in which members of a minority community were made to feel insecure and unwanted. Situations in which minority communities suffered demands that they expiate their "historical sins" were particularly difficult. In such cases, members of the minority community became victims of a prevailing atmosphere of oppressiveness. The doors to both government service and private sector jobs were closed to them. A vicious circle was thus established which was difficult to break without affirmative action from outside.

77. Such situations might occur despite the existence of safeguards on paper and the formal democratic attributes of the society in question. A graphic example was provided by the demolition of the 464-year-old Babri mosque at Ayodhya, India, despite the fact that the authorities had known about the plan to demolish it and build a Hindu temple on its site. The army and police personnel posted for the protection of the mosque had themselves taken part in its demolition, which had been followed by riots in which thousands of Muslims had been killed and their property destroyed. The guilty persons had not yet been punished nor had the victims been compensated.

78. There was visible bias against Muslims in Indian society. They were grossly underrepresented in all walks of national life and were generally negatively portrayed. The symbols of their culture and identity were under attack and they were constantly under pressure to demonstrate their loyalty to the country.

79. The ancient caste system which pervaded Indian society also caused immense suffering to another minority, namely, the "untouchables". "Untouchables" generally lived as outcasts outside the villages and were forbidden even to touch a water well. Most of India's estimated 44 million child labourers were "untouchables".

80. In that inhospitable climate, it was absolutely essential to take specific affirmative action to bring the minorities into the mainstream of the country's political life. In that connection, the principle of separate elections for minority communities, through which such communities could send their own representatives to local, regional or federal legislatures, might be a first step towards a workable solution.

Statements in exercise of the right of reply

81. Mr. CHANDRA (India) said he deeply regretted that the Minister for Foreign Affairs of Pakistan should have used the Commission as a forum to advance his country's political agenda of territorial aggrandizement at India's expense. The validity of the accession of the State of Jammu and Kashmir to India both in legal terms and by popular consent was beyond doubt. When Pakistan called for self-determination, its true aim was annexation. In the part of Jammu and Kashmir illegally occupied by Pakistan, the right of self-determination was constitutionally banned and no election had yet been held in the so-called Northern Areas, which Pakistan had invaded in 1947. The resolutions of the United Nations Commission on India and Pakistan had made a plebiscite in Kashmir contingent on withdrawal of Pakistani forces, a condition as yet unfulfilled.

82. The current troubled conditions in Jammu and Kashmir were the result of Pakistani sponsorship of terrorism and secessionism. Terrorists were being trained, funded and armed by Pakistan in camps across the line of control, a fact well documented by independent agencies. The breakdown of law and order was reflected in the exodus of over 300,000 people from the State to other parts of India.

83. His Government had exercised maximum restraint in dealing with terrorism, punishing those responsible for human rights violations under due process of law. Legal safeguards, such as the right of habeas corpus and bail, were available even under special legislation. India's democratic framework of government, independent judiciary, free press and many active non-governmental organizations had kept human rights violations at a far lower level than in similar situations elsewhere in the world.

84. His Government intended to revive normal democratic processes in Jammu and Kashmir as soon as possible. An Election Commission had been instructed to finalize the voters' list and to delineate constituencies under the State Constitution and Election Law. It had released many of those held in custody with a view to promoting a political dialogue with all sections of opinion.

85. India had always been prepared to normalize relations with Pakistan in accordance with the Simla Agreement. It was Pakistan that had been dragging its feet in the matter.

86. Lastly, he advised Pakistan, a country that had bombed its own nationals in Baluchistan and committed atrocities in the former East Pakistan, to scrutinize its own behaviour before preaching to others.

87. Mr. AKRAM (Pakistan) said that the Indian representative's portrayal of Kashmir could not be further from the truth. Kashmir had never been an integral part of India and its accession thereto had been fraudulent. It was held by an invasion force of 600,000 troops, the largest in the history of colonialism. Security Council resolutions had called for an impartial plebiscite in Kashmir under United Nations auspices once both India and Pakistan had withdrawn their forces. He failed to see what was preventing India from acting on those resolutions.

88. The election that India was planning for Kashmir could not possibly be free and fair. Any objective observer could confirm the total rejection of Indian rule by the Kashmiri people. Only 3 per cent of the population had participated in the previous so-called election in 1989.

89. With regard to the rule of law, reports by non-governmental organizations and the media spoke of thousands of arbitrary detentions under special legislation, routine torture by the security forces and extrajudicial executions of hundreds of civilians. His delegation urged the Commission and the international community to take pity on the sufferings of the Kashmiri people and to respond adequately and in a timely manner before Indian repression turned into wholesale genocide.

90. Mr. CHANDRA (India) said that Pakistan operated on the principle that, if a lie was repeated frequently enough, it would eventually be accepted as the truth. An example was its figures for troop levels, which varied from speaker to speaker and were all incorrect. According to a study by the Institute of Defence and Strategic Analysis, Indian troop levels in the whole of Jammu and Kashmir were less than one third of the figure quoted. They were also one third fewer than the troops stationed by Pakistan across the border.

91. Pakistan was a country where religious minorities were treated as third-class citizens and the people of Pakistan-occupied Kashmir had been reduced to the status of a colony. According to the President of the Pakistan Human Rights Council, the current Government had resorted to the worst type of human rights violations in the previous year, with more than 14,000 persons being subjected to political victimization.

92. Mr. AKRAM (Pakistan) said that some 200,000 Indian Muslims had been systematically slaughtered in religious pogroms in India since independence. The Bharatiya Janata Party (BJP), the second largest party in the Indian Parliament, was committed to religious supremacy for the Hindus and the treatment of Muslims as second-class citizens. The Government of India had allowed the destruction of the Ayodhya mosque in 1992 and thousands of Muslims had been killed by Hindu fanatics with the complicity of the Indian police.

93. As for the troop levels in Jammu and Kashmir, the best solution would be to allow a team of international observers or the High Commissioner for Human Rights to visit the area and report on the number of troops and the attitude of the population to Indian rule. There was also his Government's proposal that impartial observers be stationed along the line of control in Jammu and Kashmir to establish whether or not Pakistan was interfering in the situation.

94. Mr. KARIMIYAN (Observer for the Islamic Republic of Iran) said that his delegation wished to reply to a statement made in the name of Pax Christi International. The speaker in question represented a Baghdad-based Marxist terrorist group paid by the Government of Iraq to commit terrorist acts in the Islamic Republic of Iran and elsewhere. The group was known to have murdered thousands of people in recent years.

95. It was regrettable that a non-governmental organization representing religious convictions should have allowed its presence at the Commission to be abused by terrorists.

96. Mr. EGÜZ (Observer for Turkey) said that the guest speaker earlier that day had obviously represented only the Greek community in Cyprus. The statistical data given by Greek Cypriots had to be treated with extreme caution since they excelled at rounding off figures in their favour. The figure for Greek Cypriots who had had to resettle in the south of Cyprus was not 200,000 but 150,000 and no mention had been made of the 65,000 Turks who had resettled in the north. Moreover, an exchange of populations agreement had been signed in 1975 by Mr. Klerides and Mr. Denktaş at Vienna and was in full conformity with international law.

97. The Greek Cypriots represented as missing persons had actually been killed during the coup staged by the Greek military to topple the internationally recognized President of Cyprus, Archbishop Makarios.

98. The allegations of harassment, intimidation and ill-treatment of Greek Cypriots living in the north of Cyprus were entirely unfounded. On the other hand, two Turkish Cypriots living in the south had been killed and 20 forcibly expelled in July and August 1994.

99. With regard to the "settlers", the Council of Europe's Special Rapporteur on the demographic structure in Cyprus had reported a net inward migratory movement of 25,075 persons to northern Cyprus since 1974 (Parliamentary Assembly document No. 6589). Those persons had come to the island in response to a shortage of labour. He wondered how many Lebanese and mainland Greeks had immigrated to the south of Cyprus during the same period.

100. Turkish Cypriots had already informed United Nations representatives in Cyprus that the alleged sale of 70,000 volumes of Greek books had not taken place.

101. From 1974 onwards, Turkish Cypriots had finally been able to enjoy the most basic of human rights - the right to life - after a process of "ethnic cleansing" from 1963 to 1974. For two decades there had been no intercommunity or intracommunity bloodshed or violence in the island. The Turkish Cypriot side had accepted the Secretary-General's proposals for a comprehensive settlement in 1985 and 1986 and the bulk of the proposals put forward in 1992. The Greek Cypriot side had in all cases rejected the United Nations proposals.

102. Since 1993, the United Nations had been focusing on the implementation of confidence-building measures. The Turkish Cypriot side had endorsed the package, while the Greek Cypriot side had declared that the process was over. The Secretary-General had tried to initiate direct talks between the two leaders. Mr. Denktaşh had agreed but Mr. Klerides had stated that there was no common ground for the resumption of talks. The Greek Cypriot side would do well to play an active part in the negotiating process rather than spreading disinformation.

103. Mr. NGUYEN VAN SON (Observer for Viet Nam) said that, whenever the Vietnamese people emerged from a difficult situation and showed signs of progress and success, discordant voices were heard from abroad accusing his Government of all kinds of abuses. The country's achievements in recent years had secured it firm national and international support, not least from the Vietnamese community abroad.

104. Hundreds of thousands of people who had fled the country after the fall of the Saigon regime had returned to visit their relatives and had been actively contributing to the reconstruction of their country, but a group of collaborators with that regime, nostalgic for the privileges they had enjoyed in the past, were using every available means, including campaigns of falsification and denigration, to prevent any change for the better.

105. His delegation was sure that the Commission and the international community would form their own opinions regarding the efforts of his Government to improve the enjoyment of human rights, including the rights of persons belonging to national or ethnic, religious and linguistic minorities.

106. Mrs. MARKIDES (Observer for Cyprus) said that the Observer for Turkey had clearly been shocked by the well-documented account by her country's Minister for Foreign Affairs of human rights violations by the Turkish invader in Cyprus.

107. The European Commission of Human Rights had found Turkey guilty of gross and continued violations of human rights in Cyprus and a series of resolutions adopted by the United Nations and other international organizations had called for the withdrawal of Turkish troops and settlers from Cyprus, the safe return of refugees to their homes and the tracing of missing persons.

108. There had been no exchange of populations agreement. The first Vienna agreement provided for the safeguarding of the human rights and fundamental freedoms of the few remaining Greek Cypriots in the occupied part of Cyprus. Turkey's claims regarding the ideal conditions prevailing there had been refuted by the Turkish Cypriots themselves, who were also the source of the figure of between 60,000 and 70,000 Turkish settlers.

109. She urged the Turkish authorities to comply with the injunctions of the international community and try to improve their lamentable human rights record.

The meeting rose at 5.40 p.m.